

<p style="text-align: center;">Minutes of the Special Town Meeting November 14, 2015</p>

Moderator Enrico Cappucci opened the Special Town Meeting on Saturday, November 14, 2015, at 9:05 am at the Ayer Shirley Middle School Auditorium, 1 Hospital Road. Veteran's Service Officer, Mike Detillion, led the meeting in the Pledge of Allegiance. The Town Clerk had sworn the following people to serve as tellers: Mike Detillion, Thadee Landry, Alpee Levesque, and Joe Stanislaw. Election workers Kathie Bradley and Judy Stanislaw and Registrar Jim Yocum checked in voters to the meeting. 135 voters had checked in by the end of the meeting.

Lauren Goldberg, Town Counsel from Kopelman and Paige, was in attendance and seated at the table on the stage with Town Administrator Patrice Garvin.

1- SUPPLEMENTAL APPROPRIATION OF FUNDS FOR FY2016

MOTION A: Bob Prescott moved and Kendra Dumont seconded that the Town amend the FY 2016 Budget as approved under Article 6 of the 2015 Annual Town Meeting, and transfer the sum of \$34,550.52 from line 211- Police Salaries, Executive Assistant to line 211-Police Clerical Union Wages.

Passed by Majority

MOTION B: Bob Prescott moved and Kendra Dumont seconded that the Town amend the FY 2016 Budget as approved under Article 6 of the 2015 Annual Town Meeting, and appropriate \$3,000.00 from Free Cash to line 692 Veterans Events.

Amendment 1: John Oelfke moved to change the funding source for line 692 \$3000 to Raise and Appropriate. **Hand Vote on Amendment: Failed.**

Vote on Motion B: Passed by Majority

MOTION C: Bob Prescott moved and Kendra Dumont seconded that the Town amend the FY 2016 Budget as approved under Article 6 of the 2015 Annual Town Meeting, and appropriate \$45,895.58 from Free Cash to line 221 Fire Department Expenses.

Passed by Majority

MOTION D: Bob Prescott moved and Kendra Dumont seconded that the Town amend the FY 2016 Budget approved under Article 6 of the 2015 Annual Town Meeting, and appropriate \$9,117.50 from Free Cash to line 192 Public Building Expenses.

Passed by Majority

MOTION E: Bob Prescott moved and Kendra Dumont seconded that the Town amend the FY 2016 Budget approved under Article 6 of the 2015 Annual Town Meeting, and appropriate \$8,800.00 from Free Cash to line 211 Police Department Expenses.

Passed by Majority

MOTION F: Bob Prescott moved and Kendra Dumont seconded that the Town amend the FY 2016 Budget, as approved under Article 6 of the 2015 Annual Town Meeting, and appropriate \$2,000.00 from Free Cash to line 122 Board of Selectmen Expenses.

Passed by Majority

2- Appropriate Fund to Performance Bond

Bob Prescott moved and Kendra Dumont seconded that the Town vote to appropriate the sum of \$15,131.24 from Free Cash and transfer to a Performance Bond, entitled "Patterson Estates".

Passed by Majority

3- FY2015 Snow and Ice Deficit

Bob Prescott moved and Kendra Dumont seconded that the Town vote to appropriate the sum of \$19,136.34 from Free Cash to offset the FY 15 snow and ice deficit.

Passed by Majority

4- Authorize Borrowing for Performance Contracting

Bob Prescott moved and Kendra Dumont seconded that the Town vote to authorize the Board of Selectmen to enter into an energy services performance contract for a term not to exceed 13 years, for Phase II of an energy savings program (Performance Contracting) in Town-owned buildings, including for costs of HVAC systems for Town Hall and the Police Station; and as funding therefor to appropriate the sum of \$188,000.00, and authorize the Treasurer, with approval of the Board of Selectmen, to borrow said sum in accordance with Section 7 of Chapter 44 of the General Laws, or any other enabling authority, and issue bonds and notes therefor.

Failed to obtain 2/3's Majority. YES: 65 NO: 33

5- Transfer to OPEB Liability Trust Fund

Bob Prescott moved and Kendra Dumont seconded that the Town vote to appropriate the sum of \$10,000 from Free Cash for the purpose of funding OPEB (Other Post Employment Benefits).

Passed by Majority

6- Transfer to the General Stabilization Fund

Bob Prescott moved and Kendra Dumont seconded that the Town vote to appropriate and transfer the sum of \$192,448.00 from Free Cash to the General Stabilization Fund.

Moderator declared passed by 2/3's majority.

7- Transfer to the Capital Stabilization Fund

Bob Prescott moved and Kendra Dumont seconded that the Town vote to raise and appropriate and transfer the sum of \$96,224.00 from Free Cash to the Capital Stabilization Fund.

Moderator declared passed by 2/3's majority.

8- In Lieu of Foreclosure

Bob Prescott moved and Kendra Dumont seconded that the Town vote to approve Article 8, as printed in the warrant.

Passed by Majority

9- Energy Aggregation

Bob Prescott moved and Kendra Dumont seconded that the Town vote to approve Article 9, as printed in the warrant.

Passed by Majority

10- Ayer Shirley Regional School District Stabilization Fund

Bob Prescott moved and Kendra Dumont seconded that the Town vote approve Article 10, as printed in the warrant.

Passed by Majority

11- Amend Animal Control By-Law

Bob Prescott moved and Kendra Dumont seconded that the Town vote to approve Article 11, as printed in the warrant.

Three amendments were proposed and discussion showed that additional public input was desired in crafting the revision of the bylaw. **Therefore, a motion to indefinitely postpone the article was moved and seconded and passed by majority vote.**

12- Insert Section 1.8 Electronic Copies” in the Zoning By-Law

David Swain moved and Kendra Dumont seconded that the Town approve Article 12, as printed warrant.

Passed by 2/3's Majority

13- Renaming Zoning Districts - Amend Section 1.4 “Zoning Districts” of the Zoning By-Law

David Swain moved and Kendra Dumont seconded that the Town approve Article 13, as printed in the Warrant.

Passed by 2/3's Majority [NOTE: Vote to reconsider shown below]

After Article 21, in accordance with a motion made, seconded and passed to reconsider this article, the following amendment was made.

Dave Swain moved and Kendra Dumont seconded to amend the main motion to “not delete” “GRW Great Road West Mixed Use District.” Amendment Passed.

Hand Vote on Main Motion as Amended: Passed by 2/3 Majority.

14- Revise Mixed-Use District Regulations - Amend Sections 3.7and 3.8 of Section 3 “District Regulations” of the Zoning By-Law

David Swain moved and Kendra Dumont seconded that the Town approve Article 14, as printed in the Warrant.

Passed by 2/3's Majority [NOTE: Later reconsidered]

After Article 21, in accordance with a motion made, seconded and passed to reconsider this article, the following amendment was made.

Dave Swain moved and Kendra Dumont seconded to amend the main motion to “not delete” “section 3.7.” **Amendment Passed.**

Hand Vote on Main Motion as Amended: Passed by 2/3 Majority.

15- Amend Section 13 “Description of District Boundaries” of the Zoning By-Law– revise Commercial District and add Mixed-Use District

David Swain moved and Kendra Dumont seconded that the Town approve Article 15, as printed in the Warrant.

Passed by 2/3's Majority [NOTE: Later reconsidered]

After Article 21, in accordance with a motion made, seconded and passed to reconsider this article, the following amendment was made.

Dave Swain moved and Kendra Dumont seconded to amend the main motion to take no action on sections a and b, but to approve c as follows: “The Mixed-Use District occurs

in 1 area identified as Great Road East Mixed Use District.”

Hand Vote on Main Motion as Amended: Passed by 2/3 Majority.

16- Amend Section 13 “Description of District Boundaries” of the Zoning By-Law – Place parcels in Great Road West Mixed-Use District

David Swain moved and Kendra Dumont seconded that the Town approve Article 16, as printed in the Warrant.

Failed. Did not obtain 2/3’s Majority. YES: 45 NO 24

17- Amend Section 13 “Description of District Boundaries” of the Zoning By-Law – Place parcels in Great Road East Mixed-Use District

David Swain moved and Kendra Dumont seconded that the Town approve Article 17, as printed in the Warrant.

Passed by 2/3’s Majority

18- Amend Section 13 “Description of District Boundaries” of the Zoning By-Law – Place parcels in Lancaster Road Mixed-Use District

David Swain moved and Kendra Dumont seconded that the Town approve Article 18, as printed in the Warrant.

Passed by 2/3’s Majority [NOTE: Later reconsidered]

After Article 21, in accordance with a motion made, seconded and passed to reconsider this article, the following amendment was made.

Dave Swain moved and Kendra Dumont seconded to indefinitely postpone this article.

Passed by Majority Vote:

19- Amend Section 13 “Description of District Boundaries” of the Zoning By-Law – Remove parcels from RR (Rural Residential) and R1 (Residential 1)

David Swain moved and Kendra Dumont seconded that the Town approve Article 19, as printed in the Warrant.

Moved and seconded to pass over article. [Indefinitely postpone]

20- Amend Section 13 “Description of District Boundaries” of the Zoning By-Law – Remove parcels from R1 (Residential 1)

David Swain moved and Kendra Dumont seconded that the Town approve Article 20, as printed in the Warrant.

Passed by 2/3’s Majority

21- Amend Section 13 “Description of District Boundaries” of the Zoning By-Law – Remove parcels from R1 (Residential 1); place parcels in (I) Industrial and Mixed-Use

David Swain moved and Kendra Dumont seconded that the Town approve Article 21, as printed in the Warrant.

Failed to obtain 2/3’s Majority. YES: 46 NO 25

Due to the failure of articles 16 and 21, motion made and seconded to reconsider articles 13, 14, 15 and 18 in order to made technical amendments to reflect the votes taken. **Passed by majority vote.**

22- AMEND ZONING MAP November 2011

David Swain moved and Kendra Dumont seconded that the Town amend the Zoning Map, as shown in the Appendix A of the warrant, to incorporate the changes made in Articles 13 through 21.

Passed by 2/3's Majority.

Motion to reconsider Article 4 Authorize Borrowing for Performance Contracting was made but withdrawn.

Motion made and seconded to dissolve the meeting. Voice vote. Moderator declared that the motion passed. The meeting was dissolved at 1:00pm.

Respectfully submitted,

Amy R. McDougall
Shirley Town Clerk

Note: A copy of the Warrant is permanently bound with these minutes and can be reviewed at the Town Clerk's Office.
